



California Fair Political Practices Commission

January 23, 1987

Leland D. Sterling
Yacobozzi and Sterling
California First Bank Building
1501 Westcliff Drive
Third Floor, Suite 300
Newport Beach, CA 92660

Re: Your Request for Additional
Advice
Our File No. A-86-306

Dear Mr. Sterling:

You have requested additional advice on behalf of Gary Richard Arnold concerning his duties under the campaign disclosure provisions of the Political Reform Act (the "Act").^{1/} Mr. Arnold has specifically authorized your request.

In our letter dated November 21, 1986, we informed Mr. Arnold that the Commission was unable to grant his request for an exemption from disclosing the name of his employer on Schedule A of his campaign report. When Mr. Arnold makes a contribution from his personal funds to his own campaign, Section 84211(f) requires him to disclose, among other things, the name of his employer. We advised Mr. Arnold that Section 84400 prohibits the Commission from granting any exemption from campaign disclosure requirements.

You have inquired as to the course of action that the Commission will take in the event that Mr. Arnold does not report the required information. The Commission is authorized to bring an administrative or civil action against any person who has violated the Act. A penalty of up to \$2,000 for each violation may be imposed. (Sections 83116 and 91005.5.) After an investigation of an alleged violation of the Act, the Commission's Enforcement Division determines the appropriate course of action.

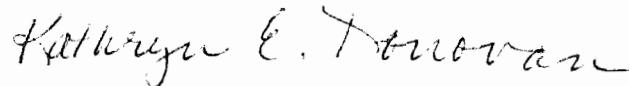
^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated.

Leland D. Sterling
January 23, 1987
Page 2

A willful violation of the Act is also a misdemeanor, punishable by a fine up to \$10,000 or by imprisonment. (Section 91000.) A person convicted of a misdemeanor under the Act may be ineligible to run for elective office for four years. (Section 91002.) The county district attorney is responsible for enforcing the criminal provisions of the Act. (Section 91001(a).) We cannot tell you which of these penalties, if any, would be imposed on Mr. Arnold if he fails to disclose the required information.

Sincerely,

Diane M. Griffiths
General Counsel

A handwritten signature in cursive script, reading "Kathryn E. Donovan".

By: Kathryn E. Donovan
Counsel, Legal Division

DMG:KED:plh

YACOBOSZI AND STERLING
Lawyers

WILLIAM YACOBOSZI, JR.
LELAND D. STERLING
STEVEN A. GOEDEN

CALIFORNIA FIRST BANK BUILDING
1501 WESTCLIFF DRIVE
THIRD FLOOR, SUITE 300
NEWPORT BEACH, CALIFORNIA 92660
(714) 640-9112 • (714) 833-7950

REFER TO FILE NO.

December 23, 1986

Ms. Kathryn E. Donovan
(Counsel, Legal Division)
California Fair Political
Practices Commission
P.O. Box 807
Sacramento, CA 95804-0807

Re: Your File No. A-86-306
(Your letter dated November 21, 1986)

Dear Ms. Donovan:

Your letter of above-referenced date has been passed on to us for a response. Mr. Gary Richard Arnold has requested an exemption from the requirement that he report the name of his employer on Schedule A - reporting a contribution from his personal funds to his campaign for City Treasurer for the City of Placentia.

Clearly, Mr. Arnold has no quarrel with the requirement of reporting contributions. He has complied in each and every respect. However, he does not wish to divulge the name of his employer inasmuch as the disclosure requirement would have a chilling effect on his employment and would work to the hardship of both the candidate and the candidate's employer.

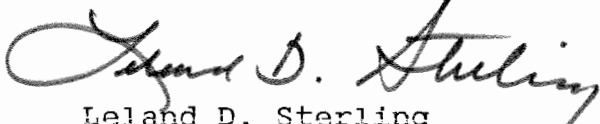
As you are no doubt aware, many elections campaigns involve a good deal of press coverage and result in what in recent years have become known as "dirty tricks" against the candidate and those associated with him. Unfortunately, the members of the Placentia community, and Orange County, are not immune from such devices. Nor would Mr. Arnold be immune from such devices prompted by members of the community including government and quasi-government agencies. In the election in which Mr. Arnold was a candidate, there arose a good deal of hostility toward Mr. Arnold and his associates from the "establishment" of the City of Placentia. Mr. Arnold believes that should those detractors find further avenues to harass him, they will

undoubtedly do so. Mr. Arnold is not merely flinching from specters, but the past actions of his political foes testify to the length they will go to harass, intimidate and frustrate him even as a private citizen. Should it be known to his detractor whose employee he is, this would give his foes an additional avenue to attack, embarrass and harass this political candidate. Naturally, to comply with the disclosure requirement, to make the employment relationship a matter of public record, will encourage conduct that is neither democratic nor tolerable to the citizens of this state.

Consequently, again we are inquiring as to the effect of the omission of the name of employer from the information set forth in Section 84211(f) of the Government Code. While we understand that Section 8440 specifically provides that the commission has no power to exempt any person from any of the campaign disclosure requirements, we are inquiring as to the course of action that the commission will take should Mr. Arnold persist in his course of conduct in not reporting this information. If you can give us information in this regard, it will assist us in advising Mr. Arnold and determining whether a court challenge of this code section will be necessary.

Sincerely,

YACOBOZZI AND STERLING

A handwritten signature in cursive script, appearing to read "Leland D. Sterling".

Leland D. Sterling

cc: Gary Richard Arnold
jt



California Fair Political Practices Commission

November 21, 1986

Gary Richard Arnold
242 Bradford Avenue
Placentia, CA 92670

Re: Your Request for Advice
Our File No. A-86-306

Dear Mr. Arnold:

We have received your letter requesting an exemption from the campaign contribution reporting requirements of the Political Reform Act.^{1/} Your specific request appears to be for an exemption from reporting the name of your employer on Schedule A when you are reporting a contribution of your personal funds to your campaign.

When a candidate or committee receives contributions totaling \$100 or more or more from any person, the candidate or committee must report the following information about the contributor:

- (1) His or her full name;
- (2) His or her street address;
- (3) His or her occupation;
- (4) The name of his or her employer or if self-employed, name of business;
- (5) The date and amount received for each contribution received during the period covered by the campaign statement and if the contribution is a loan, the interest rate for the loan; and
- (6) The cumulative amount of contributions.

Section 84211(f).

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated.

Gary Richard Arnold
November 21, 1986
Page 2

Section 84400 specifically provides that the Commission has no power to exempt any person, including any candidate or committee, from any of the campaign disclosure requirements. Accordingly, we are unable to grant your request for an exemption.

Sincerely,

Diane M. Griffiths
General Counsel

Kathryn E. Donovan

By: Kathryn E. Donovan
Counsel, Legal Division

DMG:KED:plh

F P P C
Nov 4 3 45 PM '86

Diane Griffiths
General Counsel
Fair Political Practices
428 J Street
Sacramento, Ca 95814

Diane Griffiths,

October 31, 1986

I am running for the post of City Treasurer in Placentia. I am asking for an exemption for the on schedule A. In particular that portion that asks for the disclosure of ones' employer. There are many reasons that immediately come to mind

- 1) the telling of my political enemies of where I work violates my rights to privacy. The California Constitution guarantees my inalienable right to privacy.
- 2) it violates the same California guarantees of my employer
- 3) The city of Placentia like all too many government units has a history of vigorous harassment of its critics.
- 4) I have been told by my employer that I may not have a job if it is known where I work ... they want no part in city politics ... they do no business with the City.
- 5) For the same sacrosanct reasons that the ballot is kept secret ... I claim an exemption for the safety myself and for others, a right to privacy concerning the disclosure of my employer
- 6) The disclosure has a chilling effect on my first amendment rights as it would burden myself. It would put pressure the employer who may have to defend or explanation as to why he hired someone with views that may or may not be those of the majority. The pressure could be social, political, and economic ... and certainly governmental.

P.S. I have also been told by a good number of Placentia citizens that they would have donated to my campaign if they did not have to come under the

gun of the Placentia government unit. It is obvious that the law in an attempt to correct some "evils" has actually destroyed fundamental rights which is the supposed basis for the governments very existence.

P.S. It significant that the largest donations to three of the Council candidates have come from sources outside the city ... in fact one even outside the state beyond the reach of this city government

P.S. The other major source of campaign funds for the city machine candidates come from a political union of government employees headquartered at City Hall ... the Political Placentia Police Association ... those are the government workers that carry guns ... and whom local citizens and businesses rely for their safety ... **IF YOU DON'T THINK YOUR DISCLOSURE LAWS HAVE A CHILLING AND KILLING EFFECT ON SELF-GOVERNMENT** then I suggest you don't know all of the "facts of life"

Neither the president nor treasurer of this government union that carries carries guns live in this City.

Respectively Yours,



Gary Richard Arnold
242 S. Bradford Avenue 714- 528-4430
Placentia, Ca 92670



California Fair Political Practices Commission

December 31, 1986

Leland D. Sterling
Yacobozzi & Sterling
California First Bank Building
1501 Westcliff Dr., Suite 300
Newport Beach, CA 92660

Re: 86-347

Dear Mr. Sterling:

Your letter requesting advice under the Political Reform Act was received on December 26, 1986 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Kathryn E. Donovan, an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days. You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Diane M. Griffiths
General Counsel

DMG:km

cc: Gary Richard Arnold



California Fair Political Practices Commission

November 21, 1986

Gary Richard Arnold
242 Bradford Avenue
Placentia, CA 92670

Re: Your Request for Advice
Our File No. A-86-306

Dear Mr. Arnold:

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- (1) His or her full name;
- (2) His or her street address;
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November 21, 1986
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Kathryn E. Donovan

By: Kathryn E. Donovan
Counsel, Legal Division

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Neither the president nor treasurer of this government union that carries carries guns live in this City.

Respectively Yours,



Gary Richard Arnold
242 S. Bradford Avenue 714- 528-4430
Placentia, Ca 92670



California Fair Political Practices Commission

November 6, 1986

Gary R. Arnold
242 S. Bradford Avenue
Placentia, CA 92670

Re: 86-306

Dear Mr. Arnold:

Your letter requesting advice under the Political Reform Act was received on November 4, 1986 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Kathryn E. Donovan, an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days.

Very truly yours,

Diane M. Griffiths
General Counsel

DMG:plh